

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
FAZAL RAHEMAN,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 05-40039-DPW
)	
DAVID L. WINN, Warden,)	
Defendant.)	
_____)	

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Respondent requests that this Court grant him an extension of time to reply to Petitioner's allegations and arguments, up to and including May 10, 2005. According to legal counsel, U.S. Bureau of Prisons, Respondent was served with the Petition on March 29, 2005. This Court ordered the Respondent to file his response within 21 days of service. However, the undersigned is unable at this time to provide the Court with the necessary factual and legal background of the case. The Petition contains a number of allegations and arguments regarding Petitioner's criminal history, including revocation of probation, as well as Petitioner's immigration history and status. The undersigned counsel has not received either the Petitioner's records from the Bureau of Prisons or his records from U.S. Immigration and Customs Enforcement, so that she is not yet able to be of assistance to the Court.

Although the Petitioner, who has been convicted of kidnapping, alleges that he is entitled to release to a Community Corrections Center (halfway house) in May 2005, he is not eligible for such release because he is a deportable alien and because an Immigration detainer for him has been served upon the Bureau of Prisons. Bureau of Prisons Program Statement 7310.04, "Community Corrections Center Utilization and Transfer Procedure," at p. 10, § 10 (Limitations on Eligibility for All CCC Referrals: inmates with detainers or who are deportable aliens with "public safety factors"). Petitioner's allegation that he is not the subject of an active detainer is incorrect. Accordingly, the extension requested will not effect whatever rights Petitioner may have regarding the length of his confinement at FMC Devens.

For the foregoing reasons, the Respondent requests an extension of 21 days within which to file his response.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/Anita Johnson
ANITA JOHNSON
Assistant U.S. Attorney
U. S. Attorney's Office
John Joseph Moakley
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617)748-3282

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing upon Fazal Raheman, Inmate No. 46236-008, FMC Devens, P.O. Box 880, Ayer, Mass. 01432, by first class mail, postage prepaid, on this 19th day of April 2005.

/s/Anita Johnson